

PTO/SB/92 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application No. (if known): 10/815888

Attorney Docket No.: DUQ-001

Certificate of Mailing under 37 CFR 1.8

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MS Amendment
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P.O. Box 1450
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on November 14, 2005
Date

Signature

Kevin J. Canning

Typed or printed name of person signing Certificate

35,470
Registration Number, if applicable

(617) 227-7400
Telephone Number

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Transmittal
Information Disclosure Statement (2 pages in duplicate)
PTO form SB/08 (3 references) (1 page)

LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
www.lahive.com
lc@lahive.com



JOHN A. LAHIVE, JR. (1928-1997)
JAMES E. COCKFIELD (1930-2005)
THOMAS V. SMURZYNSKI
GIULIO A. DeCONTI, JR.
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DEBRA J. MILASINCIC, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
HATHAWAY P. RUSSELL *
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
DANIELLE L. HERRITT
EUIHOON LEE **
MANEESH GULATI

CYNTHIA M. SOROS
PETER W. DINI, Ph.D.
MICHAEL J. BASTIAN, Ph.D.
JAMES M. MCKENZIE
JILL R. GORNY
SAPNA MEHTANI, Ph.D.

OF COUNSEL
JEREMIAH LYNCH
JEANNE M. DIGIORGIO
CYNTHIA L. KANIK, Ph.D.
BENEDICT A. MONACHINO

PATENT AGENTS
CRISTIN HOWLEY COWLES, Ph.D.
JILL ANN MELLO, Ph.D.
CHRISTOPHER E. DRABIK
JAMES H. VELEMA
JACOB G. WEINTRAUB
BRIAN C. TRINQUE, Ph.D.

TECHNICAL SPECIALISTS
CATHERINE M. BISHOP
DEBORAH L. NAGLE, Ph.D.
ANNE JACQUELINE WIZEMAN, Ph.D.
CHRISTOPHER R. COWLES, Ph.D.
W. ELANA WANG
MEAGHAN L. RICHMOND, Ph.D.
SHARON M. WALKER, Ph.D.
LAURA C. DIORENZO
ALISSA H. FARIS

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VIA EMAIL
November 14, 2005

David A. Lane, Jr.
Patent Law Department
Johnson & Johnson
P.O. Box 1222
New Brunswick, NJ 08903

U.S. Patent Application No. 10/815,888

Title: INSTRUMENT FOR INSERTING, ADJUSTING AND REMOVING PEDICLE
SCREWS AND OTHER ORTHOPEDIC IMPLANTS

Filing Date: March 31, 2004

Inventors: Nam T. Chao *et al.*

Your Reference: DEP 5289

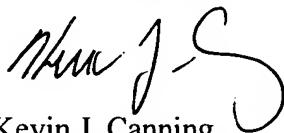
Our Reference: DUQ-001

Dear David:

Enclosed please find an Information Disclosure Statement and related paperwork that we recently filed with the U.S. Patent and Trademark Office for the above-referenced patent application.

We will keep you informed of further developments in this case as they arise.

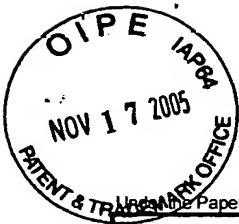
Cordially,
LAHIVE & COCKFIELD, LLP



Kevin J. Canning

KJC/CMB
Enclosure

cc: Melissa A. Grace (w/enclosure)
Catherine M. Bishop (w/o enclosure)



PTO/SB/21 (09-04)

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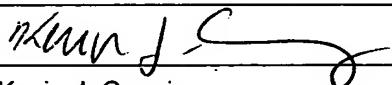
(to be used for all correspondence after initial filing)

		Application Number	10/815888-Conf. #9089
		Filing Date	March 31, 2004
		First Named Inventor	Nam T. CHAO
		Art Unit	3643
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	DUQ-001(DEP-5289)

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

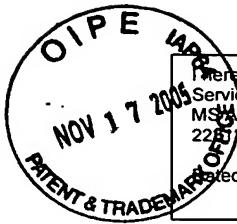
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Kevin J. Canning		
Date	November 14, 2005	Reg. No.	35,470

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Dated: November 14, 2005

Signature:  (Kevin J. Canning)



MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

INVENTOR: *Kevin J. Canning*
(Kevin J. Canning)

Docket No.: DUQ-001(DEP-5289)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nam T. Chao *et al.*

Application No.: 10/815888

Confirmation No.: 9089

Filed: March 31, 2004

Art Unit: 3643

For: INSTRUMENT FOR INSERTING,
ADJUSTING AND REMOVING PEDICLE
SCREWS AND OTHER ORTHOPEDIC
IMPLANTS

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

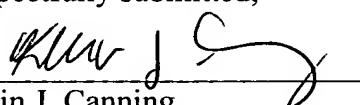
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

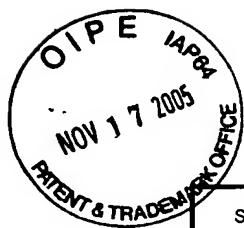
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. DUQ-001. A duplicate copy of this paper is enclosed.

Dated: November 14, 2005

KJC/CMB/mch

Respectfully submitted,

By 
Kevin J. Canning
Registration No.: 35,470
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant



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Substitute for form 1449A/B/PTO				<i>Complete if Known</i>	
				Application Number	10/815888-Conf. #9089
				Filing Date	March 31, 2004
				First Named Inventor	Nam T. CHAO
				Art Unit	3643
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	DUQ-001(DEP-5289)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
A1*		US-5,139,499	08-18-1992	Small et al.	
A2*		US-6,183,472	02-06-2001	Lutz	
A3*		US-20020198534-A1	12-26-2002	White et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
					T ⁶

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(ii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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